

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

vs.

CASE NO. 07-F-51 JPM

RICHARD "RICKY" BOOTH,

Defendant.

SENTENCING ORDER

On the 2nd day of August, 2007, came the State of West Virginia, by Scott R. Smith, Ohio County Prosecuting Attorney and Stephen L. Vogrin, Assistant Prosecuting Attorney, and as well came the Defendant, Richard "Ricky" Booth in person and by counsel, Thomas Moore, Assistant Public Defender, this day and time having been set for a Sentencing Hearing following the Defendant's plea to the felony offense of "Robbery in the First Degree" in the above referenced matter.

WHEREUPON, the Court noted that a copy of the Pre-sentence Investigation Report was provided to Defendant's counsel and the Court inquired of counsel for the Defendant as to whether the Defendant had received a copy of the Pre-sentence Investigation Report and whether the Defendant has any objections, additions, deletions or changes to make to the same.

WHEREUPON, counsel for the Defendant advised the Court that the Defendant's only request for modification is as it relates to Mr. Ball's comment that the Defendant is a violent repeat offender.

WHEREUPON, Mr. Ball explained to the Court that his classification as violent repeat offender is consistent with the Defendant's prior felony record and as well the violence committed to the victim in this matter.

WHEREUPON, the Court inquired of counsel for the State as to whether or not the State had

received a copy of the Pre-sentence Investigation Report and whether the State had any objections, additions, deletions or changes to make to the same.

WHEREUPON, counsel for the State advised the Court that the State had received a copy of the Pre-sentence Investigation Report and had no objections, additions, deletions or changes to make to the same.

WHEREUPON, the Court advised the Defendant of his right of allocution and the Defendant advised the Court that he desired to remain silent at this time.

WHEREUPON, counsel for the Defendant spoke to sentencing in this matter, thereby requesting that the Court deviate from the recommendation made by the Ohio County Adult Probation Officer and provide some sort of alternative sentence to the Defendant. In support of said position, counsel for the Defendant argued to the Court that the Defendant is a young man, who is addicted to drugs and needs drug rehabilitation and counseling.

WHEREUPON, counsel for the State called Dr. Mary Haus, who testified and was subject to cross examination in regard to her care and treatment of the victim in this matter for the medical conditions that were caused by the Defendant. Dr. Haus testified as to the various surgeries performed upon the victim regarding her broken hip and two surgeries as a result thereof. Dr. Haus opined that all the medical conditions Mrs. Shafer received in regard to the broken hip was caused by Mr. Booth and Dr. Haus further opined that the victim's quality of life is substantially decreased as a result of Mr. Booth's conduct.

WHEREUPON, counsel for the State concurred with the recommendation of Ohio County Adult Probation Officer, William Ball, and recommended to the Court that the Defendant be sentenced to Eighty years in the West Virginia Penitentiary.

THEREUPON, the Court, based upon the representation of counsel and the record herein does accordingly

FIND that the Defendant is not a good candidate for probation or alternative sentence as this was an extremely violent offense and the Defendant has a prior felony conviction. The Court further

FINDS that the Defendant is repeat violent offender who was on bond for another felony offense when the Defendant committed the First Degree Robbery of the victim in this matter. The Court further

FINDS that the impact that this crime had on the victim is substantial. The Court further

FINDS that the Defendant needs to be incapacitated for a substantial period of time to protect society.

THEREUPON, the Court, based upon the representation of counsel and the record herein, does accordingly

ADJUDGE and **ORDER** that the Defendant is and shall hereby be sentenced to Eighty years in the West Virginia Penitentiary. It is further

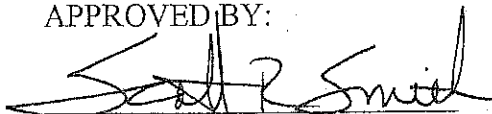
ORDERED that the Defendant be given credit for all time served.

WHEREUPON, the Court advised the Defendant of his various and several appellate rights. There being nothing further, it is

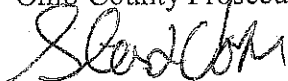
ORDERED that the Circuit Clerk of Ohio County provide an attested copy of this Order to counsel of record.

ENTER this 23rd day of MAY August, 2008

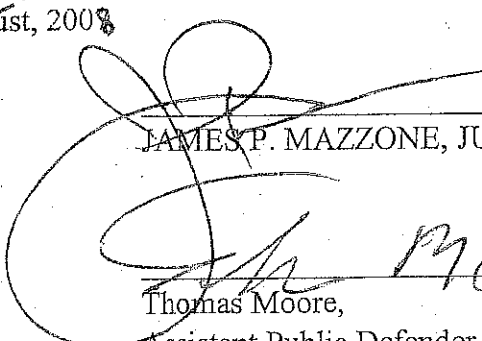
APPROVED BY:



Scott R. Smith,
Ohio County Prosecuting Attorney



Stephen L. Vogrin
Assistant Prosecuting Attorney


JAMES P. MAZZONE, JUDGE


Thomas Moore,
Assistant Public Defender

A copy, Teste:


Brenda L. Miller
Circuit Clerk